IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.47816 of 2008
RAJESH SINGH @ DHEMAN SINGH
Versus
STATE OF BIHAR
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2. 4.12.2008 Heard Sri Tribhuwan Narayan, Advocate for the petitioner and the learned A.P.P. for the State.

The petitioner is named in the FIR of a case in which the police recovered ganja weighing about 2.5 K.G. The recovery was not from the petitioner, it was from Chandan Ram @ Chandradhar Ram. The arrested man stated that it was this petitioner and one Kanhai Ram as also Gopi Chand Ram who are suppliers. It was this petitioner, who was supplying ganja and used to sell it after purchasing the same.

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The contention is that the above named accused, namely, Chandan Ram @ Chandradhar Ram has been acquitted after trial by the court below and the statement of the co-accused could not be admitted against this petitioner. As against the above, the learned A.P.P. has submitted that it could be the conscious possession of the petitioner as it was this petitioner who had supplied the ganja to the person who was selling it and the acquittal of

the main accused may not have any effect. The judgement passed by the Judge after the trial of Chandan Ram @ Chandradhar Ram is Annexure-2 and in my opinion it may not have any effect on the allegation which appears against this petitioner.

Considering the facts of the case, the prayer for bail of the above named petitioner is dismissed.

I am of the opinion that the acquittal of Chandan Ram @ Chandradhar Ram was passed in a haste and without waiting for production of the witnesses. The learned Judge has written that he issued warrant of arrest and also letters to the Superintendent of Police, but he does not appear acting in the light of the Supreme Court decision in Shailendra Kumar Vrs. State of Bihar AIR 2002 SC 270. The copy of the judgement, Annexure-2, may be placed before the Hon'ble Inspecting Judge, Bhabua Judgeship for evaluation and necessary action against the officer if found desirable.

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(Dharnidhar Jha, J.)

B.Kr.